

**TOWN OF DAVIE
EMERGENCY MEETING
NOVEMBER 7, 2005**

The meeting was called to order at 7:16 p.m.

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Paul and Starkey. Also present were Assistant Town Administrator Cohen, Town Attorney Kiar and Assistant Town Clerk McDaniel recording the meeting. Councilmember Crowley was absent.

Debris Removal

Randy Perkins, president of AshBritt, requested a few moments to wait for his attorney.

Mayor Truex recessed the meeting at 7:17 p.m. and reconvened the meeting at 7:37 p.m.

Mr. Cohen spoke of the Town's earlier selection of AshBritt as the Town's hauler for cleanup efforts after natural disasters. He advised that another vendor had come forward offering additional vehicles for cleanup efforts.

Ron Book, attorney representing AshBritt, stated that AshBritt had met all the Town's expectations and requests and was willing to raise the bar in continued cleanup efforts. He spoke in favor of a single vendor approach seeing that AshBritt had won its bid fairly.

Mayor Truex wanted to clarify whether the Town was able to use another vendor under the non-exclusive language in the contract with AshBritt. Mr. Perkins indicated that AshBritt was obligated exclusively to the Town and expected the same courtesy. Mr. Book stated that the contract did not prohibit the Town from bringing in another vendor in a specific instance of non-performance. Councilmember Starkey was most interested in addressing public safety and pointed out that this decision was at the Town's discretion. She felt the number of vendors involved was irrelevant in light of the pressing public safety emergency Town-wide. Mr. Perkins stressed his preference to remain the sole vendor and indicated that he was willing to add more trucks as the Town needed.

Vice-Mayor Hubert asked how much debris was dumped daily. Mr. Perkins advised that over 15,000 yards were being dumped daily.

Ron Bergeron, 2111 SW 16 Street, spoke of the service he provided in allowing accessibility for dump trucks. He spoke of other municipalities that were achieving greater cleanup performance by using two or more contractors. Mr. Bergeron felt the competitive spirit would bring the community in order more quickly and expressed his interest in expediting the cleanup process.

Councilmember Starkey asked how many trucks Mr. Bergeron could provide. Mr. Bergeron responded that he could provide as many trucks with monitors as Public Works/Capital Projects Director Bruce Bernard needed. Mr. Bergeron added that he had 100-160 trucks ready that could be provided within 48 hours.

Councilmember Paul asked about the truckloads the Town could handle. Mr. Bernard advised that 120 trucks could be handled with monitors and stressed the need to focus on moving a larger quantity of cubic yards. He indicated that about 10 trucks per monitor were currently being used.

Mayor Truex asked if AshBritt had done what the Town had requested. Mr. Bernard advised that AshBritt had brought fewer trucks than expected initially, but then exceeded the amount of debris being hauled daily. Mayor Truex asked if the 20,000 cubic yards would still apply whether one or two vendors were used. Mr. Bernard responded affirmatively.

Vice-Mayor Hubert spoke of problems on the eastside where children had to navigate debris on the way to school. Mr. Bernard spoke of the challenges in coordinating excessive numbers of trucks hauling at the same time.

Councilmember Starkey asked Mr. Kiar if he saw any reason why the Town could not bring on another vendor in an emergency circumstance such as this. Mr. Kiar confirmed that this decision was the Town's sole option.

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Scott Cowan, consultant to AshBritt, pointed out that AshBritt had won the bid by the normal process set by the Town. He stated that hiring another vendor would take away AshBritt's opportunity to ramp up to the Town's needs and added that the incentive was taken away for future bidders to submit proposals to the Town. Mr. Cowan felt the altruism expressed by Mr. Bergeron was the same as AshBritt's and was motivated by business interests. He suggested that if AshBritt did not ramp up its service within one week, Council could exercise the non-exclusivity clause of the contract. Mr. Cowan indicated that Council wanted to take away AshBritt's opportunity and ability to provide the service that was contracted with the Town.

Mr. Perkins defended AshBritt's ability to perform according to the Town's expectations. He requested that Council not disrupt the process already being handled by Mr. Bernard and AshBritt.

Mr. Bergeron wanted to clarify that he did not make charitable contributions for business and re-affirmed his commitment to the Town. He indicated that other cities with expedited debris removal used more than one hauler. Mr. Bergeron recommended that more monitors and additional administrative help be hired to meet the Town's needs.

Mr. Cohen indicated that the debris hauling was expected to cost the Town about \$19 million and cautioned the Town regarding the number of vehicles and employees to be used out in the field. He suggested leaving the decision on final numbers to Mr. Bernard. Mr. Cohen asked Council to use caution in light of the paperwork needed for the FEMA reimbursement process.

Councilmember Starkey felt this catastrophe required extended measures to meet public safety needs and indicated that the Town was not insulting AshBritt but trying to work as effectively as possible. She suggested that Mr. Bernard increase the quantity to 30,000 - 40,000 cubic yards if possible.

Councilmember Paul spoke of the dangers of navigating debris on narrower streets in older communities and stressed the importance of putting the health and safety of residents first. She did not want any decision made by Council to hinder future business with any vendor. Councilmember Paul asked if Mr. Bergeron could provide additional trucks by the following day. Mr. Bergeron replied in the affirmative.

Mayor Truex asked Mr. Kiar if the Town would have any problem opening this up to other bidders. Mr. Kiar advised that the Town could declare this an emergency expenditure within any motion to be made, which would comply with legal provisions.

Mr. Book disagreed with Mr. Kiar and stated that the federal State of Emergency was over. He suggested this might create difficulties with FEMA reimbursement regulations. Councilmember Starkey advised that Council had scheduled this emergency meeting as deemed necessary by Town staff.

Mayor Truex was concerned about personal comments being made on either side. He stated that he took personal responsibility for setting the collection date too late, but pointed out that AshBritt was meeting the Town's expectations. He felt Council should acknowledge staff's expertise on the logistics of hauling Town-wide. Mayor Truex was in favor of directing Administration to ramp up the work using the primary contractor, and then bring in another vendor if AshBritt did not perform adequately.

Mr. Cohen suggested moving ahead with the contract for Mr. Bergeron and requested that the total number of trucks be determined by Mr. Bernard. Mr. Cohen advised that as an additional vendor, Mr. Bergeron would sign the same contract and be obligated to the same guidelines.

Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to accept Mr. Cohen's suggestion to go forward with approving the contract for Mr. Bergeron; that AshBritt be required to step up to the maximum cubic yardage set by Mr. Bernard; investigate getting additional monitors from PBS&J and individuals to do the FEMA paperwork; and if additional vehicles were required, Mr. Bernard would contact Mr. Bergeron for additional vehicles.

Councilmember Paul wanted to amend the motion to add a time constraint that if additional monitors were not obtained by Thursday, then the Bergeron contract would begin.

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Mayor Truex clarified that the motion applied only if AshBritt could not perform by Thursday.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - absent; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

There being no further business to discuss and no objections, Mayor Truex adjourned the meeting at 9:42 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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